

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMERICAN EAGLE OUTFITTERS, INC.,

Plaintiff,

13cv1290

ELECTRONICALLY FILED

v.

VISA INC, VISA USA INC, VISA
INTERNATIONAL SERVICE
ASSOCIATION, MASTERCARD
INCORPORATED, MASTERCARD
INTERNATIONAL INCORPORATED,

Defendants.

ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE

The above case has been assigned to United States District Judge Arthur J. Schwab for all further proceedings. Pursuant to Local Rule 16.1, an initial case management conference will be conducted to discuss narrowing of the issues, the extent of pretrial preparation, discovery procedures, the early disposition of controlling questions of law, the probable extent of provable damages, the possibility of settlement, alternative dispute resolution options, and any other matters that will contribute to prompt and fair disposition of the case; and establish a date for the pretrial conference and a date for the commencement of the trial. **Chief trial counsel shall attend in person. Chief trial counsel shall obtain full settlement authority prior to the conference and must be prepared to discuss settlement of the case and alternative dispute options in detail. Clients must be available by telephone.** The Conference will be held on **January 27, 2014 at 8:30 AM** in Courtroom 7C, 7th Floor, United States Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania.

As required by Rule 26(f) of the Federal Rules of Civil Procedure the parties must, as soon

as practicable, “confer to consider the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by Rule 26(a)(1), and to develop a proposed discovery plan[.]” See Fed.R.Civ.P. 26(f). The “confer” meeting must occur face-to-face, absent an Order of Court stating otherwise.

On or before **January 17, 2014**, and pursuant to Rule 26(f), and as required by Local Rule 16.1.1, the attorneys of record and all unrepresented parties that have appeared in this case are jointly responsible for submitting to the Court the following three (3) documents:

- (a) **a written report required by Fed.R.Civ.P. 26(f), in the format set forth in Appendix LCvR 16.1 A (10/2010 form) to the Local Rule 16.1.1B (excluding question 12),**
- (b) **a proposed case management order in compliance with this Court's Practices and Procedure, and**
- (c) **a stipulation selecting an ADR process (pursuant to Local Rule 16.2) (02/2012 form) (Participation in the ADR process does not stay discovery).¹**

Documents (a) & (c) may be downloaded from the Court's website at

¹ The parties *may* elect submission of the case into the Pilot Program for Expedited Civil Litigation (note, however, that patent cases and class action cases are exempt from said Program), and if so, shall file on the docket an irrevocable Stipulation to proceed on the Expedited Docket one (1) week prior to the Initial Case Management Conference.

See http://www.pawd.uscourts.gov/Documents/Forms/Expedited_Docket_Stipulation.pdf

Should the parties elect to proceed under the Pilot Program for Expedited Civil Litigation, the parties should not file (a), (b), and (c) above, and the Initial Case Management Conference shall be converted into an Expedited Trial Conference. The parties shall be responsible for complying with the Rules set forth in the Pilot Program for Expedited Civil Litigation.

See http://www.pawd.uscourts.gov/Documents/Forms/EXPEDITED_DOCKET.pdf.

www.pawd.uscourts.gov, "forms"; and document (b) - **revised form of 4/8/13** may be downloaded from the Court's website at www.pawd.uscourts.gov, "Chambers' Rules/Pittsburgh Division/Schwab/Case Management Order."

The Defendants shall Answer or otherwise plead in accordance with the Rules of Federal Civil Procedure no later than **January 23, 2014**.

SO ORDERED this 19th day of November, 2013.

s/Arthur J. Schwab

Arthur J. Schwab
United States District Judge

cc: All counsel of record